YOU'RE GAY MARRIED IN ARIZONA.

THE FASCIST GOVERNMENT IS FREAKING YOU OUT.

HERE'S WHAT TO DO.

DISCLAIMER:
This resource was not created by a lawyer! I am just a queer determined to gather community resources.

I consulted a former lawyer and a friend who is a law student for best practices/ things to know in addition to my own research, but all of this is just advice and suggestions to protect yourself and your loved ones.

If in doubt, **consult a lawyer.** (There are free legal resources available; see end of document for information.)

Read this if:

- You're in a same-sex marriage in Arizona and want to learn how to protect your union and assets.
- You're planning on getting gay-married in Arizona and want to prepare.
- You're a concerned ally and want to help your queer loved ones.
- You're any kind of married and want to get your affairs in order.

This resource was created in February 2025 and reviewed for accuracy in January 2026.

FIRST THINGS FIRST:

Don’t panic! Time is on our side!

“Shit's real scary right now, but to lose marriage rights, either there would need to be a bill passed by the legislature and senate, or the supreme court would need to overturn current precedent.

An executive order would almost certainly be immediately challenged in court, and more than likely, there would be an injunction (stop new law from taking effect and keep the current status quo to prevent harm) until it made its way through the courts.

All of that takes time—it won't happen overnight. Getting shit together is still important because the government is going to try a lot of serious BS in the coming months and years, but we won't be at dire levels of emergency in this particular area for a little bit.”

-A very smart law student (once again, not a lawyer, but she knows her shit)

Right now is the time to think ahead and get prepared. Don’t panic: plan.

TERMS TO KNOW

Probate Law

Area of law concerning the affairs of decedents (dead people), protected people, minors, and incapacitated people (i.e, in a coma, mentally incapacitated, or otherwise cannot make decisions for themselves). It deals with wills, temporary guardianship, power of attorney, and related provisions.

You can find the Arizona probate code here.

Power of Attorney
The person, called an “agent”, you want to make future health care decisions for you so that if you become too ill or cannot make those decisions for yourself the person you choose and trust can make medical decisions for you.

You can find power of attorney forms for Arizona here.

Next of Kin
The person who inherits a person’s things after they die and who is designated to handle their affairs. (This is for married couples, blood relatives, and legally adopted people. It will no longer automatically apply to you or your partner if gay marriage is overturned.)

Intestate Succession
The process that distributes to a person’s property when they die without a will. There is a designated list of heirs and an order of priority in which property will be distributed to them by default without a will.

Will
A written document explaining what a person would like done with their property and the guardianship of their minor children upon their death.

Holographic Will
A handwritten will that is signed by the person who created it, or the testator.

Testator
A person who creates and executes a will. (You can be your own testator in AZ.)

Living Trust
“A legal document that, just like a will, contains your instructions for what you want to happen to your assets when you die. (Unlike a will, a living trust can avoid probate at death, control all of your assets, and prevent the court from controlling your assets if you become incapacitated.)” -Estate Planning.com

Notary
A notary public is a government-appointed official who witnesses and certifies the signing of legal documents.

Guardian
A person appointed by the court who takes on parental responsibilities of minor children, including decisions about housing, medical care, and education.

Domestic Partnership
An intimate relationship between people, usually couples, who live together and share a common domestic life but who are not married (to each other or to anyone else). People in domestic partnerships receive legal benefits that guarantee right of survivorship, hospital visitation, and other rights.

“The state of Arizona recognizes domestic partnerships, though only for limited purposes. The most common example is when a hospitalized patient cannot communicate with their doctors to make important healthcare decisions. In such cases, an unmarried, domestic partner may be permitted to act as a healthcare proxy or surrogate under ARS §36-3231.”

-Domestic Partnership Laws in Arizona, Jackson White, Attorney At Law

AT A GLANCE, HERE'S WHAT TO DO NOW:

1. Obtain Multiple Copies of Important Documents.
    - Physical copies, digital copies, physical copies out of state with a trusted loved one.
2. Determine Financial Assets.
    - Pets, housing, property, and other assets.
3. Create Separate Wills For Both Spouses.
    - Reinforce each other's wishes about custody of children, property, pets, power of attorney, medical decisions, and anything else you want to be considered.
4. Consider Guardianship and Protection of Your Children.
    - Choose and name guardians of your children in the event of the death of both parents.
    - Make sure both parents are on all children's birth certificates.
    - Consider who you don't want to have custody of the kids.
    - Learn about grandparents' rights in AZ if you have a contentious relationship with family.
5. Declare Your Power of Attorney.
6. Determine Financial Assets.
    - Pets, housing, property, and other assets.
7. Make Sure Information Is Accessible and Available for Those Who Need It.
    - Bank information, routing numbers, passwords, health information, knowledge of debts, and records.

1. Obtain Multiple Copies of Important Documents.

Gather multiple copies of your important documents and documentation.

- **Marriage certificate**
- **Birth certificates**
- **Birth certificates of your children**
- **Deed to your home**
- **Rental agreements**
- **Will and asset list** (more on this soon)

Having copies of these **crucial legal documents** ensures you don't face delays or complications in administrative tasks.

HEADS UP: Some trans people trying to get their passports in 2025 reported having their original documents taken by the government and not returned. Source

Make sure to **bring copies of important documents to any official applications** so that your original documents cannot be taken. (And you'll have official copies!)

TLDR: Do this so no one can tell you SHIT.

Why the Marriage Certificate?

You should have multiple copies of your marriage certificate, not the license itself. (A marriage license is a document authorizing you to marry, not proof you did marry.)

- Make sure you **have a copy of your marriage certificate in your home,** preferably in a fireproof safe.
- Give **others copies to loved ones for safekeeping.** (Bonus if they are out of state!)
- **Scan your marriage license and upload it digitally.** Give loved ones access to the digital file.

To obtain extra copies of your marriage license, contact the **Clerk of Superior Cour**t in the country and county where the license was issued.

(Simple copies of the certificate that you can make at FedEx are good to have, but you need multiple legal copies as well, i.e officially certified by the government.)

Find your Clerk of Superior Court office here.

Apache County
Apache County Superior Court
70 W 3rd St South
St. Johns, AZ 85936
(928) 337-7550

Cochise County
Cochise County Superior Court
100 Quality Hill
Bisbee, AZ 85603
(520) 432-8600

Coconino County
Coconino County Superior Court
200 N San Francisco St
Flagstaff, AZ 86001
(928) 679-7600

Gila County
Gila County Superior Court
1400 E Ash St
Globe, AZ 85501
(928) 402-8866

Graham County
Graham County Superior Court
800 W Main St
Safford, AZ 85546
(928) 428-3100

Greenlee County
Greenlee County Superior Court
223 5th St
Clifton, AZ 85533
(928) 865-4242

La Paz County
La Paz County Superior Court
1316 Kofa Ave, Ste 607
Parker, AZ 85344
(928) 669-6131

Maricopa County
Maricopa County Superior Court
El Centro Justice Court
620 W Jackson St
Phoenix, AZ 85003
(602) 372-5375

Customer Service Center
601 W Jackson St
Phoenix, AZ 85003

Mohave County
Mohave County Superior Court
415 E Spring St, First Floor
Kingman, AZ 86401
(928) 753-0713

Navajo County
Navajo County Superior Court
100 E Code Talkers Dr
Holbrook, AZ 86025
(928) 524-4188

Pima County
Pima County Superior Court
110 W Congress St, First Floor
Tucson, AZ 85701-1317
(520) 724-3200

Pinal County
Pinal County Superior Court
971 Jason Lopez Circle, Bldg A
Florence, AZ 85132
(520) 866-5760

Apache Junction Satellite Office
575 N Idaho Rd, Ste 109
Apache Junction, AZ 85119

Casa Grande Satellite Office
820 E Cottonwood Lane, Bldg B
Casa Grande, AZ 85122

Maricopa Satellite Office

(Open Only on Fridays)
19955 N Wilson Ave
Maricopa, AZ 85139

2. Determine Financial Assets.

Now is the time to t**ake stock of your assets.** Assets are:

- **Real Estate:** Your home and/or land.
- **Pets:** While they are family members, pets are considered property in the eyes of the law.
- **Personal Property:** Vehicles, furniture, jewelry, collectibles, etc.
- **Sentimental Property:** Family heirlooms, any items of emotional significance you want designated or protected.
- **Financial Assets:** Checking and savings accounts, stocks, bonds, retirement accounts.
- **Investments:** Stocks, bonds, mutual funds, real estate investments, business ownership.
- **Intangible Assets:** Patents, trademarks, copyrights, goodwill, etc.

(I got that list off the internet. I feel like a lot of those don't apply to everyone, but better safe than sorry!)

Other questions to consider:

- If you own your home: whose name is on the deed?
- If you rent, whose names are on the lease?

3. Create Separate Wills For Both Spouses.

Why? Making a will ensures your wishes are honored for the distribution of your assets and the care of your dependents. It can protect your partner financially as well in case of death.

TLDR: So everything goes where you want it if shit hits the fan.

Making a will might feel grim, but it's a practical and responsible course of action. Making your will with a lawyer will be easiest, but you don't need to consult a lawyer to make a will.

Tip: **Get your self-written will notarized!** It's cheaper than working with a lawyer and can be helpful if the will is challenged in court.

How to Make a Will in Arizona FAQ

From the Arizona State Legislature:

Except as provided in sections 14-2503, 14-2506 and 14-2513, a paper will shall be:

1. In writing.
2. Signed by the testator or in the testator's name by some other individual in the testator's conscious presence and by the testator's direction.
3. Signed by at least two people, each of whom signed within a reasonable time after that person witnessed either the signing of the will as described in paragraph 2 of this subsection or the testator's acknowledgment of that signature or acknowledgment of the will.
B. Intent that a tangible medium or an electronic record constitutes the testator's will can be established by extrinsic evidence, including, for holographic wills under section 14-2503, portions of the document that are not in the testator's handwriting.

Making A Will Tips and Tricks:

- Consider **kids and pets.**
- Don't leave anyone out, even shitty family members. **Name everyone who you might think will come after your assets,** and explicitly state that you're giving them nothing. (Or like, $1, if you're feeling petty.) This establishes your intent with the court.
- **Make sure both spouses make a will** and that their intentions align.
- **Describe specific items** you want to ensure go to specific people.

This is by no means comprehensive! I am still not a lawyer! Just a starting point of what to consider. If you search "How to write your own will in AZ", you'll find kits for purchase as well as step-by-step guides.

4. Consider Guardianship and Protection of Your Children.

If you have children together as a couple, you need to consider them in your planning. Here's what to do.

Make sure that both parents are on your children's birth certificates.

You can add a parent to a birth certificate in Arizona by establishing paternity and filing an Affidavit to Correct or Amend a Birth Certificate.

- Maricopa County- Correct or Amend a Record
- Pima County - Vital Records
- Pinal County- Vital Records
- Yavapai County- Birth and Death Services

Appoint a guardian for your children in your will.

In the case of the death of both parents, you can ensure your children are taken care of by someone you've chosen. **The guardian must be a legal adult.** Discuss your options with your spouse, and then approach the potential guardians and talk through the decision together, making expectations clear.

Guardians do not have to be blood relatives. They do have to be prepared to support your children.

"There can be co-guardians, meaning that there can be more than 1 person per child. You can also assign different guardians for different children if it is more fitting to the situation." Fowler St. Clair

If you have set aside savings accounts, trusts, etc for your children, **make sure your guardian has knowledge and access (at whatever level you're comfortable with) to those funds.**

Consider grandparents' rights in AZ.

Grandparents in Arizona **can** petition a court for visitation rights and custody rights of their grandchildren.

If you don't have a positive relationship with your parent/parents/any family members and want to keep your children away from them in the event of your death, **note that in your will.** Your family can contest this, but your wishes will be legally known.

Prepare for all options if you have nonbiological children.

Many queer couples have non-biological children through surrogacy, adoption, or other options. **Consider who else might have a claim to your children if you're not in the picture.**

If you know of your children's biological family and don't want them to have custody in the event of an emergency, note that in your will as well. It might be contested in court, but you can ensure your wishes are legally known.

5. Declare your spouse as your power of attorney.

Declaring a power of attorney (POA) is a smart step for all couples.

(This is **different from next of kin**. Next of kin is a familial relationship, referring to blood relatives or marriage. In an emergency, this might be appointed to a spouse, who will be asked to make medical decisions. However, **next of kin doesn't have any inherent or legal power.)**

TLDR: If your spouse is your POA, they can make necessary decisions for you if you're incapacitated.

A POA grants explicit legal authority to the appointed person (the agent) to make decisions according to the terms outlined. This could include managing finances, making healthcare choices, signing legal documents, and more.

Even if your marriage is repealed, **appointing your spouse as your POA will ensure they have a say in important decisions.**

Choose the type of POA you're appointing.

There are different types of POAs. Find out more here.

With a general POA, your agent (spouse) can act for you in all situations allowed by your local law, including your legal, financial, health, and business matters.

Consider and discuss the following (just a starting list):

- **What kind of medical care** (treatments, surgeries, medications) do you want to receive?
- Is there **anything you don't want to happen medically?** (like life support, taking extraordinary measures, organ donation)
- What **doctors/hospitals will provide your care?** Are there doctors/hospitals/people **you don't want** to be involved in your care?

File a POA form. (Search 'POA form AZ' online and find the form from your county.)

In Arizona, you need to have the form signed by a notary public. You also need the form signed by a witness who is not the notary or your agent.

Your partner will then be your POA. Make sure to **make multiple copies** and put them in a safe location!

6. Make sure information is accessible and available for those who need it.

You've worked hard to gather all the necessary information to support your family! **Now you need to make sure everyone can access everything they need to.**

Ensure your partner has awareness and details of the following:

- **Passwords**
    - Bank accounts, routing numbers, email, work benefits/ retirement accounts, accounts used to pay for housing, and social media accounts (if wanted).
        - If you don't want to share any of these currently, make sure the information is recorded in your will so that your partner has it in case of your incapacitation.
- **Basic medical information**
    - Blood type, any allergies, organ donor status
        - Gather this information for all children as well
- **Any outstanding debts**
    - Student loans, car payments, credit card debt, etc

Ensure your home and a secondary trusted location have **certified physical and digital copies** of the following:

- Copies of your wills
- Marriage certificate
- Birth certificates (children's also)
- Emergency contact information
- Contact info for legal representation (see end of zine)

Having multiple certified copies of your necessary documents will prevent them from harm (being seized by the government, lost, damaged, or held hostage by disgruntled family members.)

Move Forward With Confidence!

If you're feeling scared, know **you're not alone** in that feeling. Shit sucks out here, but we're going to take care of each other and, with these steps followed, you will be more prepared and hopefully more confident and comfortable.

I love you!! Take care of each other!! We're not going anywhere!!!!

Legal Assistance in Arizona

The Arizona Foundation for Legal Service & Education promotes access to justice for all Arizonans. They offer free and reduced fees for legal aid.

Address
4201 N 24th St
STE 210
Phoenix, AZ 85016
Phone: (602) 340-7366
Website: www.azflse.org

- https://www.azlawhelp.org/resourceprofile.cfm?id=94
- https://www.azbf.org/get-involved/i-need-legal-help

LawforKids provides legal information through civics education programs for youth, parents, teachers, and school resource officers in Arizona.

Legal Aid Resources

Family Court Free Legal Clinic Pima County

Would you like to speak with a lawyer about your Family Court legal situation for free? Individuals who qualify will speak with an attorney one-on-one for 30 minutes at the Pima County Superior Court Law Library. This free service is provided by attorneys from the following three organizations. To schedule an appointment, or for more information, contact the agency of

your choice, below.

PIMA COUNTY BAR FOUNDATION
Thursday afternoon appointments
(520) 623-8258, Extension 2

SOUTHERN ARIZONA LEGAL AID
Monday and Tuesday afternoon appointments
(520) 623-9465, Extension 4177

STEP UP TO JUSTICE
Wednesday and Friday morning appointments
scheduling@stepuptojustice.org

Final Legal/ Community Resources in Maricopa County
https://justicecourts.maricopa.gov/i-want-to/find-legalcommunity-resources

Chicanos Por La Causa
Chicanos Por La Causa (CPLC) formed in 1969 to fight discrimination against the Mexican American community and advocated for equity in education, politics, and labor conditions. Today, CPLC provides services to people of all backgrounds while honoring those Mexican-American roots.